

## RAVALLI COUNTY VICIOUS DOG ORDINANCE

### 1. STATEMENT OF PURPOSE.

IT IS THE PURPOSE OF THIS ORDINANCE TO PROMOTE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE IN UNINCORPORATED AREAS OF RAVALLI COUNTY BY REGULATING THE CONTROL AND CONTAINMENT OF VICIOUS DOGS AND FOR THE DESTRUCTION OF VICIOUS DOGS PERMITTED TO RUN AT LARGE.

### 2. DEFINITIONS.

- A. "OWNER" - EVERY PERSON WHO OWNS, HARBORS, OR KEEPS A DOG.
- B. "VICIOUS DOG" - A DOG WHICH BITES OR ATTEMPTS TO BITE ANY HUMAN BEING WITHOUT PROVOCATION OR WHICH HARASSES, CHASES, BITES, OR ATTEMPTS TO BITE LIVESTOCK, DOMESTIC PETS OR HOOFED GAME ANIMALS.
- C. "LIVESTOCK" - ANY ANIMAL DEFINED BY MONTANA STATUTES AS LIVESTOCK AND INCLUDES DOMESTICATED POULTRY, RABBITS, SWINE, AND OTHER ANIMALS RAISED FOR THE PURPOSE OF FOOD OR FOOD PRODUCTS.
- D. "OFFICER" - THE SHERIFF, DEPUTY SHERIFF, OR OTHER PERSON SPECIFICALLY DESIGNATED TO PERFORM THE DUTIES SET FORTH IN THE ORDINANCE.
- E. "COMPETENT AUTHORITY" - A JUSTICE OF THE PEACE, ACTING JUSTICE OF THE PEACE, OR DISTRICT COURT JUDGE.

### 3.

- A. ANY DOG, WHETHER LICENSED OR NOT, WHILE OFF THE PREMISES OWNED BY, OR UNDER THE CONTROL OF ITS OWNER, WHICH BITES OR ATTEMPTS TO BITE ANY HUMAN BEING WITHOUT PROVOCATION, SHALL BE DEEMED TO BE A VICIOUS DOG AND MAY BE ORDERED DESTROYED. THE HEAD OF ANY DOG THAT HAS BITTEN A PERSON AND HAS BEEN SUBSEQUENTLY DESTROYED SHALL BE SUBMITTED TO AN APPROPRIATE DIAGNOSTIC LABORATORY, UNLESS DEEMED UNNECESSARY BY COMPETENT AUTHORITY. ANY COSTS INCURRED MAY BE CHARGED TO THE OWNER.
- B. ANY DOG, WHETHER LICENSED OR NOT, WHICH WHILE OFF THE PREMISES OWNED BY, OR UNDER THE CONTROL OF ITS OWNER, SHALL HARASS, CHASE, OR ATTEMPT TO BITE ANY OTHER ANIMAL, INCLUDING LIVESTOCK AND DOMESTIC PETS, SHALL BE DEEMED A VICIOUS DOG AND MAY BE KILLED. THIS SECTION DOES NOT ABROGATE THE RIGHTS OF ANY LIVESTOCK OWNER AS SET FORTH IN SECTION 81-7-401 MCA.

4.

AN INVESTIGATION WILL BE CONDUCTED, BY THE RAVALLI COUNTY SHERIFF'S OFFICE, TO DETERMINE WHETHER OR NOT THERE IS EVIDENCE THAT THE DOG IS A VICIOUS ANIMAL AS DEFINED IN THIS ORDINANCE. THE BITING OF A PERSON WHILE THE DOG IS OFF OF THE OWNER'S PROPERTY SHALL CONSTITUTE PRIMA FACIA EVIDENCE THAT THE DOG IS A VICIOUS DOG. THE RESULTS OF ANY INVESTIGATION SHALL BE DELIVERED TO THE RAVALLI COUNTY ATTORNEY, WHO MAY BRING AN ACTION, IN A COMPETENT COURT, CHARGING THE OWNER WITH VIOLATING THIS ORDINANCE AND REQUESTING AN ORDER FOR THE CONFINEMENT OF THE ANIMAL, BY THE OWNER, PENDING THE HEARING IN CONFORMANCE WITH SECTION (8) OF THIS ORDINANCE.

5.

UPON FILING OF AN ACTION, NOTICE SHALL BE ISSUED TO THE OWNER THEREOF, SETTING FORTH THE DATE, TIME AND PLACE OF SUCH HEARING TO DETERMINE WHETHER OR NOT THE ANIMAL IS A VICIOUS DOG AND WHETHER OR NOT THE ANIMAL MUST BE DESTROYED. IMMEDIATELY, UPON RECEIPT OF ANY ORDER DIRECTING THE OWNER TO CONFINED THE ANIMAL PENDING HEARING, THE OWNER SHALL CONFINED THE ANIMAL IN CONFORMANCE TO SECTION (8) OF THIS ORDINANCE. FAILURE OF THE OWNER TO PROPERLY CONFINED THE ANIMAL PENDING HEARING SHALL CONSTITUTE CONTEMPT OF COURT UNDER 3-10-401 M.C.A., FOR EACH DAY THE OWNER FAILS TO PROPERLY CONFINED THE ANIMAL, THE PENALTY MAY BE \$100 AND/OR 1 DAY IN JAIL.

6.

UPON DETERMINATION BY THE COURT THAT THE ANIMAL IS A VICIOUS DOG UNDER SECTION 3 (A) OR (B) AND MUST BE DESTROYED, THE OWNER SHALL HAVE THE DOG DESTROYED IN A HUMANE MANNER. FAILURE OF THE OWNER TO ABIDE BY THE ORDER OF THE COURT FOR THE DESTRUCTION OF THE DOG SHALL CONSTITUTE CONTEMPT OF COURT UNDER 3-10-401 M.C.A. THE PENALTY MAY BE \$100.00 AND/OR 1 DAY IN JAIL FOR EACH DAY THE OWNER FAILS TO ABIDE BY THE ORDERS OF THE COURT.

7.

NO DOG MAY BE DESTROYED WHEN IT IS THE FINDING OF THE COURT THAT ANY OF THE FOLLOWING OCCURRED:

- A. THAT THE DOG WAS PROPERLY CONFINED AND ITS ENCLOSURE WAS BREACHED BY THE INJURED PARTY.
- B. THAT THE DOG WAS PROVOKED BY THE INJURED PARTY OR ANOTHER.
- C. THAT THE DOG WAS PROTECTING ITS OWNER.
- D. THAT THE DOG WAS ACTING UNDER THE ORDERS OF ITS OWNER.

8. \_\_\_\_\_

FOR PURPOSES OF THIS ORDINANCE, CONFINEMENT MEANS THAT THE ANIMAL WILL BE PLACED IN A STRUCTURE OR ENCLOSURE THAT WILL PREVENT THE ESCAPE OF THE ANIMAL. THERE MUST BE SUFFICIENT WARNING TO THE PUBLIC, OR ANYONE WHO MAY OTHERWISE BE AUTHORIZED OR GIVEN LICENSE TO ENTER OR APPROACH THE ENCLOSURE, OF THE DANGER CREATED BY THE DOG.

9. \_\_\_\_\_

NOTHING CONTAINED HEREIN SHALL AFFECT THE RIGHTS OR LIABILITIES OF THE OWNERS OR OTHER PARTIES IN ANY CIVIL PROCEEDINGS.

10. PENALTIES

A. ANY OWNER WHOSE DOG HAS BEEN DETERMINED TO BE VICIOUS UNDER THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON A FIRST CONVICTION MAY BE IMPRISONED IN THE COUNTY JAIL NOT TO EXCEED NINETY (90) DAYS, OR MAY BE FINED NOT MORE THAN \$300, OR BOTH SUCH FINE AND IMPRISONMENT. IN ADDITION TO THE CRIMINAL PENALTIES, THERE MAY ALSO BE IMPOSED ALL COSTS OF DESTROYING, CONTAINING, QUARANTINE, OR OTHER ASSOCIATED COSTS.

B. ON A SECOND OR SUBSEQUENT CONVICTION, THE PERSON CONVICTED SHALL BE FINED NOT LESS THAN \$300.00 NOR MORE THAN \$500.00 OR BE IMPRISONED IN THE COUNTY JAIL FOR A TERM NOT LESS THAN TEN (10) DAYS NOR MORE THAN SIX (6) MONTHS OR BY BOTH SUCH IMPRISONMENT AND FINE. IN ADDITION TO THE CRIMINAL PENALTIES, THERE MAY ALSO BE IMPOSED ALL COSTS OF DESTROYING, CONTAINING, QUARANTINE, OR OTHER ASSOCIATED COSTS.

C. THESE PENALTIES ARE NOT EXCLUSIVE. VIOLATORS ARE ALSO SUBJECT TO PROSECUTION UNDER ANY OTHER APPLICABLE PROVISION OF MONTANA CODE ANNOTATED INCLUDING SECTION 45-7-309, M.C.A., "CRIMINAL CONTEMPT."

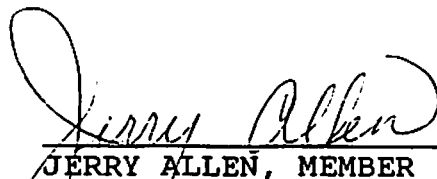
11. EFFECTIVE DATE

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE 2nd DAY OF July 1994.

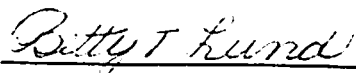
APPROVED AND PASSED THIS 2nd DAY OF June 1994.

BOARD OF COUNTY COMMISSIONERS, RAVALLI COUNTY, MONTANA

  
STEVEN POWELL, CHAIRMAN

  
JERRY ALLEN, MEMBER

  
ALLEN C. HORSFALL JR., MEMBER

  
Betty T. Lund

Attest: Clerk & Recorder  
by B L McChristian Deputy